

APPEAL NO. 023280
FILED FEBRUARY 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 25, 2002. The hearing officer determined that respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 11th through 13th quarters but that claimant is not entitled to SIBs for the 14th quarter. The hearing officer also determined that appellant (carrier) is relieved of liability for SIBs for the 12th and 13th quarters because claimant did not timely file an application for SIBs. Carrier appeals only the determination that claimant is entitled to SIBs for the 11th quarter. The file does not contain a response from claimant.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could find from the evidence that, during the qualifying period in question, claimant earned less than 80 percent of his average weekly wage as a direct result of the impairment from the compensable injury and that claimant made a good faith effort to obtain employment commensurate with the employee's ability to work in that he returned to work in a position which is relatively equal to his ability to work. See Texas Workers' Compensation Commission Appeal No. 002771, decided January 18, 2001; Texas Workers' Compensation Commission Appeal No. 020370, decided April 4, 2002. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Susan M. Kelley
Appeals Judge